IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Smt. Prem Devi Vs. Chhitarmal & Ors.

S.B.CR. REVISION PETITION NO.228/2007

DATE OF ORDER :: August 14, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.V.N.Kalla, for the petitioner.

BY THE COURT:

Judgment and order dt. 7.2.2007 passed by the Additional Sessions Judge (Fast Track), Parbatsar (for short `the trial court' hereinafter) in Sessions Case No.44/2006 (34/2006) acquitting respondents No.1 and 2 for the offences under sections 366 and 376 has been challenged by the petitioner-complainant.

I have heard learned counsel for the petitioner. Perused the judgment and order of the trial court. I have also gone through the statements of the prosecutrix PW.2. It appears that the prosecutrix PW.2, petitioner herein has been travelling on a

motorcycle along with accused-respondents on various occasions and at various places. The trial court noticing the evidence that it is not a case that the petitioner was subjected to the forcible sexual intercourse, on the contrary it was the petitioner, who left her husband and went with the accused to the various places, not only at once but on various occasions, acquitted the accused-respondents giving them benefit of doubt and in my view, the trial court was justified in acquitting the accused-respondents. I do not find any error, illegality or perversity in the order impugned warranting interference in the revisional jurisdiction that too on revision by a complainant when the State has neither filed any leave to appeal or appeal before this Court.

The revision petition is, therefore, dismissed as devoid of any merit.

[H.R.PANWAR],J.

m.asif/-